

SAN JOSE APPEALS HEARING BOARD MINUTES  
THURSDAY, APRIL 10, 2008  
6:30 P.M., COUNCIL CHAMBERS

1. The meeting of the San Jose Appeals Hearing Board convened this date at 6:30 p.m., Council Chambers, City Hall, with the following members in attendance: Chairperson Clark Williams, Commissioners Calvin Chu, Sonja Etienne, Jose Hernandez, Troy Overton, Karen Parsons, and Susan Ruscigno.

Staff Present: Evet Loewen, Chief Deputy City Attorney  
Peggy Rollis, Manager, Code Enforcement  
Sandy Bouja, Appeals Hearing Board Secretary  
Diane Buchanan, Code Enforcement  
Jaime Avalos, Code Enforcement  
Garry McLeod, Code Enforcement  
Luis Arevalo, Code Enforcement  
Betty Mitre, Code Enforcement

2. **Opening Remarks and Approval of Minutes**

Chairperson Clark Williams read a statement to the public requesting that speakers identify themselves and state their address. There was a motion by Commissioner Etienne, seconded by Commissioner Hernandez, to approve the minutes of March 27, 2008.

3. **Request for Excused Absence**

4. **Public Hearings Consent Calendar**

- a. **3086 Linkfield Way (660-27-001) Summary Abatement**  
(Jaime Avalos, Inspector / Charles Smith, Property Owner)

- b. **560 Minor Avenue (264-22-114) Summary Abatement**  
(Garry McLeod, Inspector / Deutsche Bank ALT-A Secs 2007-AR3 HSBC Bank USA TR, Property Owners)

There were no separate discussions on hearing items regarding 3086 Linkfield Way and 560 Minor Avenue. The hearing items were considered to be routine and were adopted in one motion.

There was a motion by Commissioner Ruscigno, seconded by Commissioner Parsons, to order as follows:

To approve the Consent Calendar.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams  
NAYS:  
ABSENT:

5. **Deferred and/or Continued Items**

6. **Public Hearings**

a. **560 Minor Avenue (264-22-114) Proposed Abatement**

(Garry McLeod, Inspector / Deutsche Bank ALT-A Secs 2007-AR3 HSBC Bank USA TR, Property Owners)

Code Enforcement Inspector Garry McLeod testified and presented photos of the subject property and gave a summary of his inspections. Inspector McLeod stated that the owner or the bank has not contacted him.

Commissioner Parsons asked Inspector McLeod if he had recently inspected the property. In response, Inspector McLeod stated that he inspected the property two days ago and the condition was the same.

The property owner was not present.

There was a motion by Commissioner Etienne, seconded by Commissioner Parsons, to order as follows:

To uphold City Staff's recommendation.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams  
NAYS:  
ABSENT:

b. **654 Willis Avenue (264-22-057) / Administrative Remedy**

(Luis Arevalo, Inspector / Saul Roberto Flores, Property Owner)

Code Inspector Luis Arevalo testified and gave a brief presentation of his inspections at the subject property. Inspector Arevalo presented photos of the subject property which shows the three kitchens, bathroom and basement. Inspector Arevalo stated that as of today, permits have not been issued.

Property Owners, Saul Flores and Liz Flores were present. Mr. Flores stated that the house was deeded to him by his father, Juan Flores, and that in April 8, 1998, the

house was converted into a duplex. Mr. Flores presented the Board with a copy of a Certificate of Occupancy. Mr. Flores presented photos of the basement that was taken two days ago and stated that the basement is used for storage of their personal belongings. Mr. Flores stated that the illegal structure between the home and garage has been torn down.

The tenant who was renting the back unit subleased the basement. The tenants in the basement had installed a stove without the owner's knowledge.

Inspector Arevalo stated that there are no building permits to support the conversion of a single-family home to a duplex on file. Inspector Arevalo requested that the matter be continued to do further research on the subject property and to also have an inspection done by a building inspector.

There was a motion by Commissioner Ruscigno, seconded by Commissioner Parsons, to order as follows:

To continue this matter to four weeks (May 8, 2008).

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT:

**c. 2148 Leon Drive (282-30-029) Proposed Abatement**

(Garry McLeod, Inspector / Tamio Yanagawa, Property Owner)

Code Enforcement Inspector Garry McLeod testified and gave a summary of his inspections at the subject property and presented photos of the overgrown vegetation. Inspector McLeod stated that there has been no contact with the property owner.

There was a motion by Commissioner Etienne, seconded by Commissioner Ruscigno, to order as follows:

To uphold Staff's recommendation.

AYES: Chu, Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT:

**7. OTHER BUSINESS**

Chair Williams encouraged everyone to attend the recognition ceremony given by Mayor Chuck Reed on Tuesday, April 22, 2008 from 5:30 p.m. to 6:30 p.m.

**8. ORAL COMMUNICATIONS FROM THE PUBLIC**

**9. ADJOURNMENT**

There was a motion by Commissioner Parsons, seconded by Commissioner Chu to adjourn the meeting. Chair Clark Williams adjourned the meeting at 7:10 p.m. The next regular meeting will be held on Thursday, April 24, 2008 at 6:30 p.m., at the City Hall Council Chambers.